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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,545	09/27/2001	Tomoaki Kawamura	038750.01	1476
25944	7590	03/22/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 03/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/963,545	KAWAMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUONG T NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/717,293.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/01</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/717,293, filed on 9/20/1996.

### *Specification*

2. The disclosure is objected to because of the following informalities:

On page 6, line 11, "selector switch 7" should be changed to --select switch 7--.

On page 11, line 17, "device 4" should be changed to --portion 4--.

On page 16, line 5, "recording switch 13" should be changed to --recording button 13--.

On page 17, line 25, "display screen" should be changed to --display portion--.

On page 18, line 1, "5 displays" should be changed to --4 displays--.

On page 6 (line 11), page 7 (line 5 and line 8), page 11 (line 25), page 14 (line 11), "Where" should be changed to --When--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4-7, 11, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (US 5,671,014).

Regarding claim 4, Ito et al. discloses an electronic camera comprising an imaging element (camera 1, Figure 1, Column 2, Lines 18-30); a display device ((LCD panel 9, Figure 1, Column 5, Lines 39-43); a memory (SDRAM 31, Figure 1); a designating device (pen 30, Figure 1, Column 5, Lines 39-43).

Regarding claim 5, Ito et al. discloses touch sensor (touch panel 11, Figure 1, Column 2, Lines 52-62).

Regarding claim 6, Ito et al. discloses wherein device displays indications of positions designated by said designating device on corresponding portions on the display screen of said display device (Column 6, Lines 1-14).

Regarding claim 7, Ito et al. discloses wherein said display device displays on said display screen control operation indications representing predetermined control operations of said camera (Column 7, Lines 56-67); control device (RAM controller 10, Column 5, Lines 55-67, Column 6, Lines 1-23).

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Regarding claim 11, Ito et al. discloses indications of designated positions to be superposed on said image when said image is being displayed on said display screen (Figure 1, Column 5, Lines 30-67).

Regarding claim 14, Ito et al. discloses memory stores indications of designated positions (Figure 1, Column 4, Lines 51-67), and stores information that correlates said indications of said designated positions with said image.

Regarding claim 16, Ito et al. discloses wherein said electronic camera has a recording mode and a reproduction mode (deck section 2, Figure 1, Lines 17-31); a control device (RAM controller 10, Figure 1, Column 5, Lines 1-67).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5,671,014) in view of Sasaki (US 4,837,628).

Regarding claim 8, Ito et al. fails to specifically disclose a shutter release button that can be half pressed and fully pressed. However, Sasaki teaches a camera which has a release 11, which can be half depressed or fully depressed to let the user know camera operation modes, motion image mode or still image mode (Figure 2, Column 3, Lines 52-67, Column 4, Lines 1-

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14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Sasaki in order to let the user know camera operation modes, such as motion image mode or still image mode.

Regarding claim 12, Ito et al. fails to specifically disclose a control device that fixes said image that is being formed by said imaging element at a point of time when said shutter release button is fully pressed. However, Sasaki teaches shutter controller 24 drives driver circuit 25 and generates a shutter pulse (Figure 2, Column 3, Lines 52-67), Column 4, Lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Sasaki in order to control the operation modes of camera.

7. Claims 9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5,671,014) in view of Kusumoto et al. (US 5,311,207).

Regarding claim 9, Ito et al. fails to specifically disclose wherein touch sensor extends in a region that is larger than said display screen. However, Kusumoto et al. teaches the color selecting area 7a and the command selecting area 7b (extended region) are outside of drawing area 7c (display screen) of the tablet 7 (Figure 2, Column 3, Lines 10-67, Column 4, Lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Kusumoto et al. in order to let the image to be separately displayed.

Regarding claim 13, Ito et al. discloses control device (RAM controller 10, Figure 1, Column 5, Lines 44-67). Ito et al. fails to specifically disclose control operation indications representing predetermined control operations of said camera are prepared in region in which touch sensor extends. However, Kusumoto et al. teach the tablet 7 is divided into color selecting area 7a, command selecting area 7b (region in which touch sensor extends), and drawing area 7c (Figure 2, Column 3, Lines 52-67, Column 4, Lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Kusumoto et al. in order to let the image to be separately displayed.

Regarding claim 15, Ito et al. discloses control operation indications to be seen through said region (Figure 8, Column 6, Lines 15-32). Kusumoto et al. discloses control operation indications are disposed on a region in which touch sensor extends (command selecting area 7b is outside of drawing area 7c, Figure 2, Column 3, Lines 10-67, Column 4, Lines 1-14).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5,671,014) in view of Tanahashi et al. (US 5,589,857).

Regarding claim 10, Ito et al. fails to specifically disclose wherein said indications of said designated positions are displayed in a form of a trail of a designated position when said designated positions are successively designated by said designating device. However, Tanahashi et al. teaches an image which is the same as the trace drawn on the input surface 13 by the pen P is output as a monitor image (Figure 3, Column 2, Lines 11-31). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Tanahashi et al. in order to detect an input position drawn on an input surface (Column 1, Lines 17-20).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5,671,014) in view of Kim (US 5,239,419).

Regarding claim 17, Ito et al. discloses the camera has a designated position display/recording mode as described in Figure 1, Column 2, Lines 15-62; Column 5, Lines 55-67; Column 6, Lines 1-23. Ito et al. fails to specifically disclose a photographing record mode in which image element, indications of designated positions and correlating information are stored together. However, Kim teaches a second picture signal such as various titles can be superimposed on a recorded program (Figure 2, Column 2, Lines 57-67; Column 3, Lines 1-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Kim in order to make it possible for the user to input a secondary picture without erasing the recorded program (Column 1, Lines 54-57).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 5,671,014) in view of Etoh (US 5,729,289).

Regarding claim 18, Ito et al. fails to specifically disclose wherein said control device initially establishes said recording mode when a power supply of said electronic camera is turned on. However, Etoh teaches the system controller 18 set the record mode upon turn-on the power



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(Column 5, Lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ito et al. by the teaching of Etoh in order to make camera easier to be operated (camera does not need a button or switch for operating camera in recording mode).

***Allowable Subject Matter***

11. Claims 1-3 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of the record fails to show or fairly suggest an electronic camera comprising a pen detection controller that inhibits said imaging element from forming an image of a next frame and allows said pen position detecting device to detect said designated position and allows said pen trail display controller to control display of said movement trail, while said release switch is kept operated to the ON state after the imaging element terminates forming an image of one frame, said pen detection controller enabling said imaging element to effect forming an image of the next frame when said release switch is thereafter operated to an OFF state.

Claims 2-3 are allowable for the reason given in claim 1.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugimoto et al. (US 5,526,023) discloses pen input and output unit.

Matsumoto et al. (US 5,796,428) discloses electronic photography system.

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Ikedo (US 5,642,134) discloses integrated tablet device having position detecting function and image display function.


Mori et al. (US 5,644,339) discloses electronic information apparatus.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297 or (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929 or (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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